(b) In the opinion of the Committee, the accused persons may not be tried under POTA, 2002, but, they may be tried under other laws.

(c) The Review Committee had directed the Public Prosecutor concerned to file the appropriate application under section 321 of Cr. P.C. without any delay and place the opinion of the Review Committee before the POTA Special Court. The application has accordingly been filed before the POTA Special Court.

Export of adulterated chillies

*58. SHRI SANTOSH BAGRODIA:
SHRI R.K. ANAND:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government have ascertained the facts regarding reported export of adulterated chillies, if so, the details thereof;

(b) whether Government have taken up the issue on behalf of Indian exporters, if so, what steps are taken, if not, the reasons therefor;

(c) whether WTO agreements provide for sanitary-standards, if so, are they standardised, if so, the details thereof, if not, the reasons therefor; and

(d) whether Government have also ascertained that the sanitary-standards are not used as non-tariff barriers against agro-exports from developing countries, if so, the details thereof?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI KAMAL NATH): (a) and (b) Yes, Sir. The reports regarding export of adulterated chillies refer mostly to the presence of the prohibited Sudan I to IV dyes in chilli exported to European Union (EU). Since 2003, European Commission has issued about 61 rapid alerts claiming presence of Sudan dyes in chillies/chilli products exported from India or in food products exported from India or in food products manufactured in the EU using chilli powder/chilli products in sourced from India. However, in February-March, 2005, Food Standard Agency (FSA), United Kingdom, ordered recall of food stuffs contaminated with Sudan dyes. The chilli powder claimed to have been used in the manufacture of recalled products in UK was exported in 2002, before the introduction

of the mandatory testing regime of the Spices Board for chilli powder/ chilli products.

Government has expressed its concern to the EU authorities over the manner and the procedure governing the issuance of rapid alerts.

(c) The Sanitary and Phytosanitary (SPS) Agreement of WTO provides for notification of sanitary standards prior to their enforcement in order to provide trading partners an opportunity to comment thereon and these comments have to be taken into account before finalizing and enforcing the standards/measures.

(d) Sanitary and phytosanitary standards are not to be used as non-tariff barriers. Under the SPS agreement, WTO member countries are permitted to impose only those requirements/measures, which are based on scientific principles and are needed to protect public health. The Government can challenge another country's food safety or plant health requirements can challenge another country's food safety or plant health requirements on the ground that they are not justified by scientific evidence. The transparency in the SPS measures discourages countries to use them as non-tariff barriers.

Shortage of Coal in Thermal Power Stations

*59. SHRI AMAR SINGH:
SHRI ABU ASIM AZMI:

Will the Minister of POWER be pleased to state:

(a) whether it is a fact that a large number of thermal power stations in the country have been facing an acute shortage of coal and a number of them are facing immediate closure;

(b) if so, the details thereof; and

(c) the remedial steps Government propose to take in that direction?

THE MINISTER OF POWER (SHRI P.M. SAYEED): (a) and (b) A number of thermal power stations in the country are facing problem of inadequate supply of coal. As on 20th July, 2005, 14 thermal power stations were